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TO: Commissioner for Patents

FAX NO.: 703-872-9314 (Final)

FROM: Eamon J. Wall

DATE: November 14, 2003

MATTER: Serial No. 09/538,816 Filed: March 3, 2000

DOCKET NO.: DIVA/054

APPLICANT: Armstrong et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

<input type="checkbox"/> Petition	<input type="checkbox"/> Transmittal Letter (1 copies)
<input type="checkbox"/> Disclosure Statement & PTO-1449	<input type="checkbox"/> Fee Transmittal (1 copies)
<input type="checkbox"/> Priority Document	<input type="checkbox"/> Deposit Account Transaction
<input type="checkbox"/> Drawings (____ sheets) informal	<input checked="" type="checkbox"/> Facsimile Transmission Certificate
<input checked="" type="checkbox"/> NOTICE OF APPEAL (2)	dated November 14, 2003

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ALBERTA GAMBLE
Name of person signing this certificate

Alberta Gamble November 14, 2003
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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)
DIVA054

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Date: November 14, 2003

Signature Alberta Gamble

Typed or Printed
Name Alberta Gamble

In re Application of

Armstrong, et al.

Application Number

09/538,816

Filed

March 30, 2000

For SYSTEM ENABLING USER ACCESS TO SECONDARY CONTENT ASSOCIATED WITH A PRIMARY CONTENT STREAM

Group Art
Unit
2697

Examiner
Demicco, Matthew R.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 165.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-0782. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed.

☒ attorney or agent of record.

Registration number 39,414.

☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) _____.

Signature

EAMON J. WALL

Typed or printed name

732-530-9404

Telephone Number

Date: November 14, 2003

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.181. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon on the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450